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**Development of Anti - Japanese Agi -  
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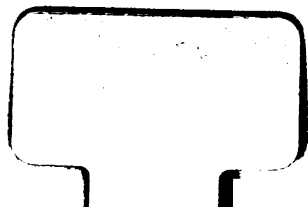
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# THE DEVELOPMENT OF THE ANTI-JAPANESE AGITATION IN THE UNITED STATES

BY

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## THE DEVELOPMENT OF THE ANTI-JAPANESE AGITATION IN THE UNITED STATES

### 1. *The Beginnings*

WHEN President Fillmore called the attention of the Congress of the United States to the rude treatment accorded shipwrecked mariners unhappily cast upon Japanese shores, he unknowingly opened up a problem which has already perplexed the western world for three-quarters of a century.<sup>1</sup> Before this time there had been no Oriental problem. It had been forestalled by the stern intolerance of Toyotomi Hideyoshi who, in the seventeenth century, banished all foreigners, whether priests or traders, from Japan, and commanded all Japanese, under penalty of death, to remain at home.

But the pressure of trade and of ideas perforce brought this isolation to an end. In 1853 the Black Ships of Commodore Perry steamed into Yedo Bay. Five years later Townsend Harris signed the first treaty between Japan and the United States. With these acts, Japan was placed in contact with the western world. Intercourse between nations in the past has usually been marred by discord. And in the case of Japan, the opportunity for misunderstanding has been increased by the factor of race.

Immigration was the first cause of friction between Japan and the United States. As early as 1851<sup>2</sup> a few shipwrecked Japanese were tossed upon the Pacific Coast. But the first actual immigrants were brought into this country by a Hollander

<sup>1</sup> Third annual message, December 6, 1852, *Messages and Papers of the President* (Bureau of National Literature edition), p. 2703. For the very early activities of Japanese abroad, see Chapman, *A History of California* (1921), chapter iv, "The Japanese Opportunity in the Pacific".

<sup>2</sup> Treat, *Japan and the United States* (1921), p. 253. For the opening of Japan to the western world, see the same writer, *The Early Diplomatic Relations between the United States and Japan 1853-1865* (1917); also Satow, *A Diplomat in Japan* (1921).

who, driven from the employ of the Japanese Court, sought refuge in America.<sup>1</sup> In 1880 there were only about one hundred and fifty Japanese in the entire country. But their number rapidly increased after the legalization of emigration by the Japanese government in 1885.<sup>2</sup> As early as 1889 some Japanese were employed as section hands at Portland. About the same time others gradually sifted into Vancouver and spread out along the Pacific Coast, entering the mines, the fisheries and the farms. Beginning with 1891, over a thousand Japanese entered America yearly, subject only to the restriction of the general immigration laws. In 1898, the number of immigrants was 2,000; two years later, it jumped to 12,000.

There were three reasons for Japanese emigration to America. The first was economic. Wages averaged about fourteen cents a day in Japan,<sup>3</sup> where the pressure of population had already made the food problem acute. Little wonder that stories of two-dollar-a-day wages in America led the Japanese to forsake the home of their ancestors! In fact, the greatest number of emigrants came from those provinces where agricultural conditions were the worst and where poverty was most widespread.

Secondly, Japanese emigration was caused by the labor shortage in California, which had arisen partly because of the fact that Chinese labor had been excluded by the Acts of 1882 and 1892. Negroes, Mexicans, Filipinos, Hindus, Porto-Ricans and Japanese were now eagerly sought after by California farmers.<sup>4</sup> According to one eye-witness, "568,943 acres of farm land were put out of cultivation. From Bakersfield to Redding, banks had mortgages on farm lands that could not be made productive because Chinese labor had been driven out".<sup>5</sup>

<sup>1</sup> Carey, *A History of Japanese Immigration*, unpublished manuscript taken from Japanese sources, furnished me by Dr. G. W. Hinman.

<sup>2</sup> Ichihashi, *Japanese Immigration, Its Status in California* (1916), p. 7.

<sup>3</sup> Yoshida, "Sources and Causes of Japanese Emigration," *Annals of the American Academy of Political and Social Science*, vol. 34, no. 2, p. 162.

<sup>4</sup> Coolidge, *Chinese Immigration* (1909), pp. 384-385.

<sup>5</sup> Testimony of J. P. Irish, Hearings before Committee on Immigration and Naturalization, H. of R., *Japanese Immigration* (Government Printing Office, 1921), pp. 43-44. Hereafter cited as *Hearings*.

It was not until the year 1885 that the Japanese government authorized the emigration of Japanese. In that year it was permitted, but with express stipulation that the emigrants should never lose their allegiance to the Mikado. Each Japanese subject was required to register in his native prefecture, which he could leave only with the permission of the authorities. If he wished to go out of the country it was necessary to procure a passport which provided that he must return within three years.<sup>1</sup>

Based as it was upon a paternal feudalism, the Japanese government attempted to make certain that its emigrants abroad should creditably represent their fatherland, and that in case of destitution they should return home. With this purpose in view, the "Emigrants' Protection" Law was enacted by the Japanese parliament in 1896. It provided that every laborer leaving the country should have some responsible surety at home who could be compelled to provide for his care during sickness and, if necessary, for his return.<sup>2</sup>

Despite the excellent intentions of this law, it actually stimulated the emigration of Japanese to the United States. The requirements were so stringent that few laborers could individually meet them. Consequently, a number of emigration companies sprang up which provided every laborer with a surety, furnished him with transportation, and gave him a job at his destination. Working in connection with labor contractors in the United States, these companies built up a business of great profit. In order to regulate their activities, the government required a guarantee. It was necessary also that their foreign agents be approved. These emigration societies soon began to wield a tremendous power in Japan. The aggregate capital of twelve of them was 558,999 yen, and stock was held by the leading business men and politicians of the country.<sup>3</sup>

<sup>1</sup> Rice, *Immigration of Japanese*, House Doc. No. 686, 56th Congress, 1st sess., May 14, 1900, p. 4.

<sup>2</sup> *Third Report of the Commissioner of Labor on Hawaii*, Bulletin of Bureau of Labor, no. 66, September, 1906, p. 505.

<sup>3</sup> Rice, *op. cit.*, p. 5.



Six of these companies maintained agents in the United States and Canada.

As a result, emigration to the United States and Hawaii increased tremendously. In the five years between 1899 and 1903 the number of emigrants going to foreign countries, excluding Korea and China, was 84,576. Eighty per cent went to the United States.<sup>1</sup> In the year 1900, four times as many Japanese entered America as in the previous year. Naturally this irritated the sensibilities of California—easily aroused after a riotous twenty-year struggle with Chinese immigrants.

California's attention was first attracted to Oriental labor in 1888 when a San Francisco shipowners' association manned several of its vessels with Japanese. In 1891 a Mr. Doyle, a former resident of Japan, came to San Francisco and proposed to bring in 5000 Japanese from the Hawaiian islands—a suggestion which was immediately protested by the city Trades' Council.<sup>2</sup> The first real protests against the Japanese were not made, however, until 1900. In March of that year symptoms of bubonic plague appeared in San Francisco. Immediately Mayor Phelan and the Board of Supervisors quarantined the Chinese and the Japanese quarters, but no other part of the city.<sup>3</sup> This discrimination led the Japanese to form the "Japanese Association of America" for the purpose of protecting their interests. Feeling was further heightened by a belief that stories of the plague were based on unfounded evidence, and that they were being circulated purely for political purposes.<sup>4</sup> Partly because of the excitement stirred up over the plague and partly because of the increased number of Japanese immigrants, a mass meeting was held in Metropolitan Hall, on May 7, under the auspices of the San Francisco Labor Council. After listening to addresses by Professor Ross, then of Stanford University, and Mayor Phelan (who later became

<sup>1</sup> Yoshida, *op. cit.*, pp. 160, 161.

<sup>2</sup> *San Francisco Chronicle*, March 20, 1905; special article by Walter MacArthur.

<sup>3</sup> *Ibid.*, March 7, 1900.

<sup>4</sup> *Ibid.*, May 30, 1900; editorial, "Phelan in the Rôle of a Fakir".

United States Senator), the meeting passed a resolution urging the extension of the Chinese Exclusion laws to include the Japanese.<sup>1</sup> In the same year, the State Labor Commissioner also referred to the sudden increase in Japanese laborers;<sup>2</sup> while Governor Henry T. Gage called the attention of the legislature to the "Japanese problem" in his message of January 8, 1901.<sup>3</sup>

As a result of this agitation, the Japanese government showed the conciliatory disposition which it has usually held toward American opinion, by amending the Emigration Act of 1896. In July, 1900, the Foreign Department announced that henceforth no passports whatever would be issued to Japanese coolies wishing to go to the United States.<sup>4</sup> As a result, the number of Japanese arrivals declined one-half in 1901.<sup>5</sup> This voluntary limitation was the first "Gentlemen's Agreement." However, it did not satisfy many elements in the State. In November, 1901, a Chinese Exclusion Convention was called in San Francisco by the Board of Supervisors. Its official purpose was to urge upon Congress the necessity of re-enacting the Chinese exclusion laws which were soon to expire. But it also adopted a resolution which recognized "in the character and rapidly increasing numbers of Japanese and other Asiatic immigrants a menace to the industrial interests of our people." Likewise, the American Federation of Labor, in its convention in San Francisco, November, 1904, demanded that the exclusion laws be applied to Japanese immigrants. However, there was no vigorous movement against the Japanese on the Pacific Coast until 1905. In order to understand this agitation, which for intensity recalled the days of Dennis Kearney and his stormy Sand-lotters, and very nearly involved the country in war, it is necessary to take some account of the political situation in California at this time. Partly because of the Chinese

<sup>1</sup> *Ibid.*, May 8, 1900.

<sup>2</sup> *Ninth Biennial Report of the Bureau of Labor Statistics*, 1899-1900, p. 15.

<sup>3</sup> *San Francisco Chronicle*, January 9, 1901.

<sup>4</sup> Statement of K. Uyeno, Japanese Consul-General, *San Francisco Chronicle*, April 5, 1905.

<sup>5</sup> From 12,626 in 1900 to 4,909 in 1901.

agitation, extending between 1855 and 1882, the Workingmen's Party had won control of the State, and in 1879 was strong enough to frame a constitution which is still in force. But the position of Union Labor was soon to be contested. In 1888 San Francisco capitalists organized themselves into a number of different associations, resolved to drive the workingman from power.<sup>1</sup> A period of financial depression so strengthened them that they were able to lower wages and to establish the "open shop" in politics and in industry as well. The Workingmen's Party by this time had disappeared.

However, between 1898 and 1901, San Francisco underwent a period of unrivaled prosperity. The annexation of Hawaii, the opening of the Alaskan gold mines, and the outbreak of the Spanish-American War increased the business of San Francisco and revived the drooping industries of the whole state. An unfilled demand for workingmen now strengthened the labor forces. Determined on revenge, the labor leaders organized the State Federation of Labor in January, 1901. Its fight against the Employers' Association culminated in the San Francisco teamsters' strike of July—a strike caused by the refusal of the organized teamsters to deliver goods to a non-union express company.<sup>2</sup> The issue was clearly Unionism *versus* non-Unionism. The Employers' Association refused to negotiate with the men, and the men refused to have anything to do with the employers.

There was nothing peaceful about the strike which ensued. One shipping company employed prize fighters to act as strike-breakers. Union men attacked non-union teamsters carrying goods away from railroad yards.<sup>3</sup> In order to protect these men, the chief of police placed two policemen on each truck. Labor leaders demanded that the policemen be removed. The mayor replied that it was his duty to secure public order. At a meeting held September 23, 1901, he was said to have de-

<sup>1</sup> Eaves, *A History of California Labor Legislation* (1910), p. 50 *et seq.*

<sup>2</sup> Hichborn, "*The System*", as *Uncovered by the S. F. Graft Prosecution* (1915), p. 11 n.

<sup>3</sup> *San Francisco Chronicle*, September 22, 1901.

clared that if the workmen did not want to be clubbed, they should go back to their jobs. This story, which was later proved to be false, turned the labor forces against the Phelan administration and resulted in the organization of the Union Labor Party.

This new party was successful enough to win the election of November, 1901, and place Eugene E. Schmitz in the mayor's chair. Schmitz was a man of little education, with no experience in politics. He had been hired as a musician in a San Francisco theater, and was a member of the Musicians' Union. Under the leadership of this man, San Francisco was governed for five years which were to be truly momentous in California's history. During this period, San Francisco was to be visited by a devastating earthquake and fire, interpreted by many to be a divine judgment on a wicked city. Corporations were beginning their exploitation of the boundless resources of a magnificent state. Telephone companies struggled for franchises; the water supply was vested in a private monopoly; the United Railroads strangled San Francisco's transportation facilities; the Southern Pacific Company actually retained legislators and subsidized newspapers to make certain the political control of the State.<sup>1</sup>

Naturally the victory of the Union Labor Party, headed by an ignorant and self-seeking man, was eagerly seized by these interests, and an attempt was made to transform California into a *latifundium* which would have done credit to the patri-cians of Rome. Schmitz, in fact, owed his position, not to the long-suffering workingmen of San Francisco, but to the genius of the most able and most crooked political boss San Francisco has ever seen. This was Abraham Ruef—a Jew, a lawyer, a college graduate, a Republican. Schmitz made an admirable tool with which Ruef could work. The latter contributed \$16,000 to Schmitz's first campaign fund.

Under the leadership of Schmitz and Ruef, San Francisco went through a period of political corruption which would make the blackest deeds of Boss Tweed look as harmless as

<sup>1</sup> Fremont Older, *My Own Story* (1919), p. 23 *et seq.*

politics in a woman's club. Franchises were bought and sold; the United Railroads bribed the supervisors with the fat sum of \$200,000; the city tax-collector ran off with an adventuress and several hundred thousand dollars of the tax-payers' money; houses of ill-fame maintained a fixed schedule of prices by which police officials, from captains to patrolmen, were systematically bribed; gamblers shared their ill-gotten gains with the mayor; "French Restaurants"—infamous houses of assignation—paid Abe Ruef large sums to secure liquor licenses, and half of this tribute was turned over to Schmitz. Boodling was rampant everywhere.

So firmly did the Machine have control of the processes of justice in California, and so cleverly did it conceal the magnitude of its crimes, that the greatest skill of detective William J. Burns and attorney Francis J. Heney was necessary finally to dig out the poisonous roots of San Francisco's life.

When Ruef and Schmitz were finally brought to trial in 1906, the working of the "system" became more vigorous and more desperate than ever. Ruef attempted to flee. When this failed, an effort was made to secure the passage of a change of venue bill by the state legislature which would free the culprits on a technicality. Jurors were bribed; Fremont Older, the dauntless editor of the *San Francisco Call*, who led the campaign against the boodlers, was kidnapped; a gunman was hired to murder him, and only the ruffian's loss of nerve saved Older's life. Francis J. Heney was shot while in court by an ex-convict who was a jurymen on a former Ruef trial, and whom Heney had exposed.<sup>1</sup>

This disgraceful situation in San Francisco was intimately related to the Japanese agitation. First, the Labor party was in power, and Japanese immigration affected workingmen vitally. Secondly, the Schmitz administration would naturally seize upon every means and occasion to divert public attention from its own crimes.

<sup>1</sup> Ruef was finally convicted for bribery, and was recently pardoned. Schmitz was freed on a technicality and ran again for mayor in 1919.

But in addition to the political situation, there were four other causes which led to the outbreak against the Japanese in 1905 and 1906. In the first place, the Gentlemen's Agreement of 1900 had not been enforced. Japanese laborers kept dribbling in from Japan, despite the limitation which the Japanese government had imposed. The chief reason was that the administration of the Japanese passport law was placed in the hands of local officials, from whom it was not difficult for the powerfully financed emigration companies to purchase passports.

Furthermore, the restriction had not applied to the laborers wishing to go to Hawaii. Passports were still issued to this destination. Originally the Japanese had been invited by the Hawaiian Government to work on the sugar plantations.<sup>1</sup> In 1886 Hawaii and Japan entered into an agreement providing for the importation of Japanese laborers. When Hawaii was annexed to the United States in 1898, this official encouragement came to an end. But the planters of the island still wished cheap labor.<sup>2</sup> Moreover, the emigration companies continued to bring Japanese in, not only to supply the labor market in Hawaii but also to transport them later to the Pacific Coast. The Japanese, on the other hand, were willing to leave Hawaii for the mainland because of the higher wages paid in California—and because of the irksome restraints imposed upon them by the sugar plantations.

This is a typical advertisement, printed in a Hawaiian Japanese paper:

### *Special Notice*

In the next three months we shall recruit 1,000 laborers of Niigata Province, Japan, for the mainland. Apply at the hotel below. Don't

<sup>1</sup> *Third Report, Commissioner of Labor on Hawaii*, cited, p. 503.

<sup>2</sup> The charge has been made that the Planters' Association of Honolulu later contributed to the funds of the Asiatic Exclusion League, in order to keep Japanese laborers in Hawaii, and thereby keep wages down. King, *Report of the Royal Commission appointed to inquire into the methods by which oriental laborers have been induced to come to Canada*. Quoted in "Immigration Situation in Other Countries", *Senate Documents*, vol. 22, 61st Cong., 3rd sess., 1910-11.

miss a good chance! The Industrial Corporation of Japanese of Niigata Province have sent a representative to Hawaii to encourage their countrymen to go to America. This representative, Mr. Seisku Kuroishi, assists applicants in every way. Yamaichi Hotel, February 1, 1905.<sup>1</sup>

It was apparently impossible to arrest the activities of these emigration companies under the authority of the Contract Labor Laws of the United States. There was nothing but an oral understanding between the companies and the Japanese. But for all purposes the latter were contract laborers: when a boatload of Japanese landed in San Francisco, they were lined up in companies, marched to Japanese boarding houses, and then assigned to contractors along the entire coast.

As a result of the activities of these companies, emigration from Hawaii to the mainland increased alarmingly. The figures follow:

January 1–September 30, 1902 .....	1,054
October 1–September 30, 1903 .....	2,119
October 1, 1903–June 30, 1904 .....	3,665
July 1, 1904–December 31, 1905 .....	13,803 <sup>2</sup>

The next factor was the Russo-Japanese War, which began in February, 1904. American opinion was at first sympathetic toward Japan in a war which the latter was apparently fighting to check an imperial Pan-Slavism. The pluck of this new nation, with scanty resources and limited manpower, aroused the admiration of the English-speaking world. But with the progress of the war and the repeated victories of the armies of Nippon, the enthusiasm for the yellow man, at least along the Pacific Coast, began to wane. The Kaiser's extravagant warning of the "Yellow Peril" found instant response among the workingmen of California. Congressmen lent themselves unconsciously to this propaganda. Mr. Hull, chairman of the House Committee of Military Affairs, declared that if Japan won the war with Russia, she would fight a "bloody war with

<sup>1</sup> *Immigration Commission Reports* (42 vols., 1911), vol. 23, p. 15.

<sup>2</sup> *Third Report of Commissioner of Labor on Hawaii*, p. 378.

the United States over the Philippines.”<sup>1</sup> The *Ogden Standard* declared that the Japanese “feel quite confident of their ability to defeat the American navy and humiliate our army.”<sup>2</sup> And Senator Selva likewise declared: “Those who have followed the course of events in Asia for the past few months have not failed to discover therein a great, a serious menace, not only to California, but to the Nation.” The excessive demands of Japan at the Portsmouth conference and her gradual absorption of Korea did nothing to allay California’s fear.

Of more practical importance was the possibility that at the close of the war the desire of the Japanese to come to the United States would be greater than ever. Tired of the struggle into which they had been drafted, and fearful of the economic hardships which the war imposed on those who remained in Japan, they would seize every opportunity to migrate to El Dorado across the seas. It was the fear of this “invasion” which fortified California’s outcry for ironclad exclusion.

Finally, the workingmen of California had already felt the pinch of Japanese competition. They could therefore easily imagine the effect of an increased Asiatic population upon their well-being. The Japanese were accused of maintaining sweatshops; of driving white female domestics out of employment; of forcing two hundred shoe-repairing men out of San Francisco; of invading the fruit districts of Vacaville, Fresno and Visalia; of controlling all unskilled labor on the railroads and in the beet-fields; of cutting into the white laundry business; and of underbidding white building contractors from twenty to sixty per cent.

To these economic grievances were added political and racial denunciations. The Japanese were accused of perpetual allegiance to the Mikado. Rumors that Japanese at American army posts were gaining detailed knowledge of American fortifications, were persistently circulated. Finally, it was charged that the Japanese were actually crowding American children out of schools. The *Chronicle* declared against “the daily

<sup>1</sup> *San Francisco Chronicle*, March 16, 1905.

<sup>2</sup> Quoted, *ibid.*, March 23, 1906.



contact of young girls with adult men of Asiatic birth and training."

It is impossible to tell the amount of truth there was in these charges. Suffice it to say that they, in company with the charges made later, were grossly exaggerated. Nevertheless, the ineffectiveness of the limitation imposed in 1900 and the activities of Japanese imperialism abroad, easily led to violent protests. It was just before the siege of Mukden that the *San Francisco Chronicle* chose an opportune time to launch the anti-Japanese campaign in California. On February 23, 1905, it printed a nine-column article, covering nearly two pages, on the dangers of Japanese immigration. "It contains as much of a menace as the Chinese immigration ever did", declared the *Chronicle*. The number of Japanese then in the United States was placed at 100,000—a greatly exaggerated figure. The first result of the article was to arouse the state legislature. On the first of March the senate unanimously adopted a resolution declaring against the unrestricted immigration of the Japanese, and asking the federal government for immediate protection.<sup>1</sup> The *Chronicle* graphically reported the adoption of this resolution in these words: "The resolution was not the product of the moment; it was not the result of an indignant mass meeting, but was deliberated upon and discussed, in a great measure, calmly and dispassionately by men of affairs—men who have 'made good'—many of whom, if they so desired, need take no interest in the welfare of the laborer, having amassed a competence sufficient to maintain themselves and their families in comfort. But many of the Senators were born here, and they are proud of the name their forbears made for the State of California, synonymous everywhere with things big, broad, and great, from the biggest things in nature to men and money. Their fathers wrested the State from a foreign power, riveted it to the Union with their bayonets, and today their sons acted on a proposition that a California should hold what a California has"! <sup>2</sup>

<sup>1</sup> For the ten charges then made against the Japanese, see Senate Joint Resolution, No. 10, *California Statutes*, 1905, p. 1060. This resolution passed the lower house the next day.

<sup>2</sup> March 2, 1905.

At the instigation of this newspaper, the leadership of the anti-Japanese movement now passed into the hands of union labor, which was at this time so firmly entrenched in San Francisco politics. On March 10, 1905, the Labor Council of San Francisco, then the largest labor body in the country west of Chicago, held a meeting in which the campaign against the Japanese was definitely launched under the leadership of Olaf Tveitmoe, a Swedish laborer who served a term in a Minnesota state prison for forgery and who later was to be convicted for complicity in the MacNamara dynamite plots.<sup>1</sup> Boycotts on the Japanese were now urged—even on white merchants or manufacturers employing Japanese. The campaign was on in earnest.

On Sunday, May 7, 1905, a mass meeting was held at Metropolitan Hall to launch the Japanese and Korean Exclusion League. The *Chronicle* was lurid in its description of this gathering. Publishing a picture of a group of swarthy, foreign-featured laborers, who composed the "convention," it said: "Some present owned their own little homes; while a majority know what it is to sit with the good wife of an evening, figure on approaching rent day and make up the cash on hand to see if there is enough to carry the family over to the next day." Men of "swelling muscles" attended this meeting—and grimly cheered fulminations against the yellow men who were keeping them from having "lace curtains on the windows"!

As a result of this agitation, the Japanese government for the second time showed its good-will, by first limiting the number of Japanese who might emigrate to Hawaii to 500 per ship, and finally by suspending temporarily all emigration to Hawaii (April, 1905). But even this did not satisfy the Exclusion League. On the contrary, it redoubled its activities by recruiting members, by pledging political candidates to an exclusion law, and by attempting to organize all of the western states in a concerted movement to force Congress to grant its desires. A platform was constructed of five planks which declared:

<sup>1</sup> *Los Angeles Times*, March 23, 1913. He was freed from the federal penitentiary on a technicality.

(1) that the Chinese exclusion laws be extended so as to exclude all classes of Japanese and Koreans, except those exempted by the terms of the Chinese Act, from the United States and its insular territories; (2) that the members of the League should pledge themselves not to employ or patronize Japanese nor to patronize any person or firm employing Japanese or dealing in products coming from such firms; (3) that the action of the School Board in adopting a policy segregating Japanese from white children be approved; (4) that a propaganda campaign calling the attention of the President and Congress to this "menace", be undertaken; (5) that all labor and civic organizations in California be asked to contribute a fixed assessment to the cause.

It is a mistake to believe, however, that California was united in its opposition to the Japanese. On March 20, 1905, the Methodist ministers of San Francisco declared that "not one of these charges [against the Japanese] could be substantiated." David Starr Jordan of Stanford University said that an exclusion measure would mean "war between the United States and Japan." President Eliot of Harvard also spoke of the "insolence of excluding Japanese from this country because of their inferiority." Finally, the fruit-growers of San Joaquin and Santa Clara valleys formally protested against legislation excluding Japanese labor, on the ground that such legislation would make it impossible to harvest their crops.

Meanwhile, a lull came in the anti-Japanese storm. The peace negotiations between Japan and Russia, the effort made in the East to modify the stringent administration of the Chinese exclusion laws, the attempt on the part of the *Chronicle* and other forces to defeat Schmitz for reelection in 1905—all consumed the attention of the anti-Japanese forces. But the defeat of John S. Partridge, the *Chronicle's* candidate for mayor, caused this journal once more to turn its broadsides against the Japanese. The Exclusion League was also doggedly pursuing its campaign. California congressmen had agreed to introduce exclusion bills in the next Congress, which was to meet in the fall of 1905. However, an unexpected obstacle to their carefully laid plans was found in the person of President

Roosevelt. In his annual message of December 5, 1905<sup>1</sup>, he urged a non-discriminatory immigration policy which would not single out a man on account of his color or his creed. But he dealt his most vigorous blow at the suggested exclusion of the Japanese in an informal manner. A committee of California congressmen and others had obtained an interview with the President in regard to the proposed exclusion bills. When hearing of the contemplated legislation Roosevelt is reported to have become furious. "What on earth did you Californians mean by introducing such a bill?" he roared. "Didn't you know such a thing is preposterous? With our great trade openings in the Orient, and our peculiar relations with those countries, and with our solemn treaty with Japan, which is the supreme law of the land? Do you suppose I would approve a bill that would be a violation of a treaty and an affront to Japan? Why, I would veto it if it were passed unanimously". The President then asked who these people were who were backing the bill. On being informed that they were headed by one Livernash, the President gritted his teeth, pounded his desk, and exploded, "Send them to me! Send them to me! I'll veto the bill and deport Livernash!" Speaker Joe Cannon expressed similar and nearly as violent sentiments when he declared to one of the bill's sponsors, "Loud, what in hell do you fellows in California mean by introducing a bill to exclude the Japanese from the United States? . . . You'd better leave well enough alone."

In this overbearing manner, the President poked holes in the exclusion dikes of which the League had so blissfully dreamed. The President was wrong in his premises: the exclusion of Japanese labor did not violate our treaty with Japan of 1894. The last paragraph of Article II of this treaty expressly declared that the provisions of the treaty should not "in any way affect the laws, ordinances and regulations with regard to trade, *the immigration of laborers*, police and public security which are in force or *which may hereafter be enacted* in either of the

<sup>1</sup> *Messages and Papers of the President*, p. 7388.

<sup>2</sup> *San Francisco Chronicle*, December 7, 1905.

two countries”<sup>1</sup>. The President was also wrong in intimating that the treaty was the “supreme law of the land” in the face of contradictory laws enacted later by Congress. Even if the treaty of 1894 had guaranteed the admission of Japanese labor to America, Congress had the *legal* right to abrogate that treaty at any time by the mere passage of an exclusion law. This point President Hayes had admitted in regard to the Chinese Exclusion Laws; and the Supreme Court has upheld this position repeatedly.<sup>2</sup> Despite these mistakes, Mr. Roosevelt thoroughly frightened the California congressmen; exclusion was temporarily dead.

## 2. *The San Francisco School Incident*

Japanese laborers continued to enter the United States. Worse still, the federal government had refused to recognize the necessity of keeping them out. It was well aware that any restrictions placed on Japanese immigration would be deeply resented by Japan. President Roosevelt had refused almost insolently to consider California's case. It was not strange, therefore, that the politicians of San Francisco resolved to take matters into their own hands; to substitute local for national action; to become town-heroes by defying the national will. Consequently the Exclusion League continued its activities. It demanded that the anti-Japanese boycott be intensified. It even asked that every union man in the state contribute one cent a month toward the campaign. Plans were made for a “monster” mass meeting to be held on May 6, 1906. But this meeting was thwarted by a disaster which has seldom been equaled in the annals of an unreasoning Nature. On April 18, San Francisco was visited with an earthquake and fire which cut off the city completely from the outside world. It was bereft for days of all transportation facilities, of gas, of water, of light, of all means of communication, even of food. It is remarkable that only five hundred lives were lost in a disaster

<sup>1</sup> Malloy, *Treaties, Conventions, etc. of the United States*, p. 1030.

<sup>2</sup> See his veto message, *Messages and Papers of the President*, pp. 4470-4471. Also *The Head Money Cases*, 112 U. S. 580; *Cherokee Tobacco Case*, 11 Wall. 616; *Fong Yue Ting, v. U. S.*, 149 U. S. 698.

which damaged property to the extent of \$350,000,000 and which sent skyscrapers reeling to the ground. This great tragedy, of course, postponed anti-Japanese propaganda. The Japanese showed their good-will toward San Francisco by contributing, through the Red Cross, almost \$250,000 to the sufferers.

But the reconstruction of the city again resurrected anti-Japanese sentiment. Ten thousand Japanese had been affected by the fire. In an effort to find new homes and business locations, many invaded the western districts of San Francisco which hitherto had been "white man's land."

Meanwhile other sources of irritation manifested themselves. Immigration by no means had ceased. For the first six months of 1906 the excess of Japanese arrivals over departures in San Francisco alone was 5772, a figure which led the *Chronicle* to declare, "If the next Congress does not act in this matter it will assume very grave responsibilities." At this time also occurred the Japanese sealing incident. Sailors on a Japanese ship landed on St. Paul's Island, and, contrary to law, killed a great number of female seals. This caused the *Chronicle* again to protest that "The lower classes of Japanese . . . are born thieves." Increasing evidence of Japanese imperialism in Manchuria and Korea did nothing to sooth the troubled waters. Furthermore, a crime wave was sweeping over San Francisco. It was caused partly by the opportunity which the fire had given, and partly by the Schmitz administration which by its own example encouraged crime. Within two months there were nine murders and twenty-two robberies. The Japanese restaurants were among the first to be caught in this wave. Before the fire there were in San Francisco only eight Japanese restaurants which served meals to Americans. Following the earthquake, however, about thirty of these restaurants opened in the devastated districts, and for a time did a flourishing business with workingmen engaged in rebuilding the city. As early as June 25, 1906, the Exclusion League protested that many union men were patronizing these restaurants. With the plea, "White men and women, patronize your own race", the League unsuccessfully attempted to keep them from being frequented.

When this failed, violence in many instances was resorted to; many restaurants were invaded and their property destroyed.<sup>1</sup>

Furthermore, Japanese stores were burglarized and one bank president murdered. The distinguished Japanese scientist, Dr. F. Omori of the Imperial University of Tokyo, while examining the ruined districts, was besieged with tomato cans and stones by a gang of hoodlums, one of whom was a post-office messenger. These assaults attracted but little attention in San Francisco. But they were immediately and widely reported in Japan, where they had a profoundly irritating effect.<sup>2</sup>

In the fall of 1906 another political campaign took place in which congressmen were to be elected. Of course the Japanese question became a popular issue. Both the Democratic and Republican State Conventions declared for the exclusion of the Japanese in no uncertain terms. On September 16, the Exclusion League held a "mass meeting," addressed by congressional candidates, at which it was announced that the membership of the League had reached a total of 78,500 and that its program had been endorsed by independent organizations composed of nearly four and a half million members.

On October 11, 1906, the School Board of San Francisco passed a special resolution which brought the anti-Japanese crisis to a white heat. As part of a well-organized plan, the School Board had first decided to establish separate schools for Japanese and Chinese on the day before the first convention of the Exclusion League was held (May 6, 1905). The legal right to segregate white from Mongolian school children in this manner was based on a school law which authorized school boards to establish separate schools for Indian, Chinese and Mongolian children, at their own discretion.<sup>3</sup> The law, however, did not mention the Japanese by name. Presumably, they were "Mongolians". The reasons which prompted the first action of the San Francisco Board were set forth in this resolution:

<sup>1</sup> *Immigration Commission Reports*, vol. 23, p. 200 et seq.

<sup>2</sup> For other instances of violence, see *Senate Document No. 147*, 59th Congress, 2d session.

<sup>3</sup> Article X, Section 1662, *Political Code of the State of California*, p. 379.

Resolved that the Board of Education is determined in its efforts to effect the establishment of separate schools for Chinese and Japanese pupils, not only for the purpose of relieving the congestion at present prevailing in our schools, but also for the higher end that our children should not be placed in any position where their youthful impressions may be affected by associations with pupils of the Mongolian race.

As this resolution was not carried out, it did not create the furor which similar action later aroused. The reason for the failure to carry out at once this policy of segregation was lack of funds. The Board of Supervisors, which had been petitioned for a new building in which to house the Orientals, asserted that it did not have the money necessary to erect it. The old system therefore was maintained. But on October 22, 1905, the Exclusion League voted unanimously to petition the Board to carry out this policy. During the discussion, it was established beyond question that the School Board, the members of which were appointed by the mayor, was under the absolute control of Schmitz and Ruef.<sup>1</sup> No further action could be expected until these bosses had given the word, and they would wait until their own interests would be served by a renewal of the anti-Japanese agitation.

On July 23, 1906, the schools, which had been closed by the fire, were opened with an attendance of 25,000. After a tour of inspection, the president of the Board of Education announced that there was very little over-crowding. He said nothing about the dangers of the Japanese. But nearly three months later, on October 11, the Board suddenly ordered all Japanese children, after October 15, to attend the Oriental school in Chinatown. The resolution was scarcely noticed in the San Francisco papers. At that time the city was occupied with the famous investigations which Heney and Burns were making of the music-master's administration. On November 15, Ruef and Schmitz were indicted for bribery and embezzlement. In addition a gubernatorial campaign was in progress—Gillett, the Republican candidate, was running against Bell, a Democrat.

<sup>1</sup> *San Francisco Chronicle*, October 23, 1905.



Aroused by this school order, the secretary of the Japanese Association of America immediately protested to the School Board. Upon its refusal to modify the order, the secretary sent word to the newspapers in Japan. And it was the frenzied outbursts of Japanese opinion against a measure which it considered to be a treaty violation and a national insult, that first attracted the attention of the city of San Francisco to the act of its own authorities. The views of the Japanese government were brought to the attention of Washington by a telegram from Ambassador Wright in Tokyo to Secretary Root. On October 23, 1906, Mr. Root telegraphed Ambassador Wright that "The United States will not for a moment entertain the idea of any treatment of the Japanese people other than that accorded to the people of the most friendly European nations." How different the course of events might have been if this promise had been kept! Two days later Ambassador Aoki formally protested against the school measure to Secretary Root, on the ground that it denied rights expressly conferred by the treaty of 1894. The Japanese colony of San Francisco was also indignant. A mass meeting was held at which funds were raised to fight the measure in court. Meanwhile President Roosevelt dispatched Secretary of Commerce and Labor V. H. Metcalf to investigate the situation in San Francisco. In an effort to appease the ruffled feelings of Japan, President Roosevelt, in his annual message to Congress of December 3, 1906, denounced San Francisco's action in no uncertain terms: "To shut them [the Japanese] out from the public schools," he said, "is a wicked absurdity."<sup>1</sup> He then made two radical recommendations: (1) That an act be passed specifically providing for the naturalization of the Japanese; (2) that the statutes of the United States be amended so as to enable the President to enforce the treaty rights of aliens. Meanwhile Secretary Metcalf had proceeded to San Francisco, and, after investigating the situation, sent two reports to the President, the second of which was delivered to the Senate on December 18. In this latter report Mr. Metcalf

<sup>1</sup> *Messages and Papers of the President*, pp.7434-7436.

discussed the actual number of Japanese in the schools, the anti-Japanese boycotts, and the anti-Japanese agitation generally.<sup>1</sup>

What, indeed, was the necessity for the School Board's action? Out of 25,000 school children in the city there were only 93 Japanese. Of these 68 were born in Japan and 25 in the United States. On the face of it, the charge that the Japanese were crowding out and holding back American children, was ridiculous: there were too few of them. However, if it were true that these Japanese were adults, their contact with American children might prove to be morally and intellectually harmful. This situation could have been remedied merely by fixing an age-limit applicable to all students in the schools. But the Board repeatedly refused to restrict the scope of the resolution in this manner, even after Roosevelt himself had suggested it. As a matter of fact, however, only two of the Japanese students were over twenty years of age, one being in the eighth grade and the other in the sixth. Only three were above nineteen, and four above eighteen. Colonel John P. Irish is authority for the statement that "no oral or written protest was ever made against the Japanese pupils by the parents of white pupils in those schools"; and "that no Japanese pupil in those schools was ever under the slightest suspicion of immoral or disorderly conduct"<sup>2</sup>.

That the act of the Board was unwarranted was also proved by the attitude of the leading educators of the State. School principals in San Francisco, the superintendent of the Los Angeles city schools, the state convention of school superintendents, President Jordan of Stanford and President Wheeler of the University of California—all, in one way or another, intimated their disapproval of this drastic action. A number of chambers of commerce interested in developing trade with the Orient resented any measure discriminating against Japanese already here, although few of them favored unrestricted immigration.

<sup>1</sup> *Senate Document 147*, 59th Congress, 2nd session.

<sup>2</sup> *Oakland Tribune*, January 20, 1907; quoted in Johnson, *Discrimination Against the Japanese*, p. 23, a compendium of opinion in regard to this period.

There was little moral justification for the School Board's order. But it did serve as an occasion for an outburst of feeling against the Japanese and as a warning to the East that Japanese immigration must be stopped. More important still, it enabled Schmitz and Ruef to make "martyrs" of themselves at a time when their other activities should have received the universal condemnation of the city.

Moreover, the action of the School Board in excluding the Japanese from the schools was attacked on the ground that it was unconstitutional. As we have seen, the Board derived the authority for its action from a state law which authorized school boards to establish separate schools for children of "Mongolian" descent. It was contended, in the first place, that the Japanese were not Mongolian. Secondly, it was asserted that the ordinance was an unreasonable discrimination against the Japanese in violation of the Fourteenth Amendment of the Constitution of the United States, which guaranteed to all persons the equal protection of the laws. It is improbable, however, that the mere establishment of separate schools for different races would have been declared unconstitutional provided *equal* facilities for study were afforded for both races. On this ground the Supreme Court has upheld the constitutionality of Jim Crow cars, etc.<sup>1</sup> Even if separate schools were sustained on the general principle that the accommodation afforded the Japanese was *equal* to that given Americans, the San Francisco ordinance would not have been necessarily valid because of the location of the Oriental school. This school was set up in the midst of the Chinese settlement; but the Japanese population was scattered all over the city. In the words of Secretary Metcalf, "If the action of the Board stands, and if no schools are provided in addition to the one mentioned, it seems that a number of Japanese children will be prevented from attending the public schools, and will have to resort to private instruction." In other words, the ordinance would actually result in depriving them of public school facilities.

<sup>1</sup> *Plessy v. Ferguson*, 163 U. S. 537; *McCabe v. A. T. & S. F. Ry.*, 235 U. S. 151; *Berea College v. Kentucky*, 211 U. S. 45; Freund, *Police Power* (1904), sec. 698.

On that ground, it would have probably been pronounced invalid, although this legal defect could have been remedied by increasing the number of separate schools for the Japanese.

In the third place, it was asserted that this ordinance and the law upon which it was based violated the treaty of 1894 between the United States and Japan. This treaty granted most-favored-nation treatment to Japanese in the United States in all "rights of residence";<sup>1</sup> and it was contended that the right to attend public schools was a "right of residence". If a state law stood in the way of a treaty which was the supreme law of the land, the state law must be set aside.

Finally, it was said that the federal government had a right to control action of the schools when they involved the foreign relations of the United States, especially because it had contributed to the support of these schools by the grant of public lands on the understanding that they be conducted in accordance with the Constitution and treaties of the United States.

In order to settle these legal questions, President Roosevelt instructed the attorney-general, acting through United States Attorney Devlin, to bring an action against the School Board in the courts. Consequently, two suits were entered, on January 17, 1907: one was brought in the supreme court of California in the name of a Japanese child for the purpose of obtaining a writ of mandamus to compel his admission into the public schools; and the second was brought in the federal circuit court, where the federal government asked an injunction against the School Board restraining it from excluding Japanese pupils.

After the message of the President to Congress in which he denounced the action of San Francisco as a "wicked absurdity", the city became thoroughly incensed, although at first it had passed over the incident in silence. The *San Francisco Chronicle* scored Roosevelt's message by saying, "The President has degraded his position by assertions which are untrue, assumptions which have no basis in fact, recommendations which can only excite ridicule, implied threats which he has

<sup>1</sup> Malloy, *Treaties, Conventions, etc. of the United States*, p. 1030.

no power to execute. . . ."<sup>1</sup> California congressmen also showed their belligerency by again introducing bills favoring exclusion.<sup>2</sup>

As a result of the great furor stirred upon in the West, Roosevelt retreated from his original position. In a special message transmitting Metcalf's report to the Senate, he admitted that "there would be no objection whatever to excluding from the schools any Japanese on the score of age."<sup>3</sup> Furthermore, it was persistently rumored that negotiations were in progress between the President and the Japanese government which would settle all points of dispute between the two nations, including the most pressing problem of immigration.

But the Exclusion League would have nothing to do with a diplomatic form of settlement; it demanded an ironclad exclusion law. Moreover, its feelings were deeply hurt by the intrusions of the federal government into what it considered a purely municipal affair. Just before Christmas, a protest meeting was held which was presided over by none other than the mayor himself. This meeting, supposedly held under the auspices of the Labor Party and the Exclusion League, was an evidence of the connection between Schmitz and the anti-Japanese agitation. The mayor did not confine himself to calling the federal government names. He attempted to use the whole meeting—in fact, the whole agitation—to defend himself against the criminal charges recently made against him. The *Chronicle* was vehement in its denunciation:

In a speech the other evening to a meeting which he should never have been permitted to address, Mayor Schmitz lugged in an attempted defense of himself which was utterly out of place, and in the course of his remarks he said: "I find myself against a bottled-up judge." A condition of affairs under which an indicted criminal presumes to thus attack the judge before whom he is to be tried, is outrageous.<sup>4</sup>

<sup>1</sup> Editorial, December 5, 1906.

<sup>2</sup> H. R. 160 and H. R. 8975, 59th Congress, 2nd session.

<sup>3</sup> *Senate Document No. 147*, 59th Congress, 2nd session.

<sup>4</sup> Editorial, December 8, 1906.

In view of the hubbub raised on the Pacific Coast and in Japan over the San Francisco controversy, it was not in the least remarkable that the European press predicted that war between the United States and Japan was imminent. The President was well aware of the seriousness of the situation. By this time he realized that Japanese immigration must be stopped. In a letter written November 27, 1907, to Secretary Metcalf, the President declared that in a conversation with the Japanese Ambassador he had expressed the wish that the Japanese government "would stop their coolies, all their working men, from coming either to the United States or to Hawaii."<sup>1</sup> But the President added that "the great difficulty in getting the Japanese to take this view is the irritation caused by the San Francisco action." Roosevelt set out to eradicate this cause of discord.

Consequently, in the latter part of January, 1907, Mr. Roosevelt requested the San Francisco Board of Education to come to Washington and confer with him in regard to a settlement which would be agreeable to all. In the meantime, he suggested that all anti-Japanese agitation be suspended, in order not to prejudice a diplomatic settlement of the immigration question.

It took Schmitz a week to decide whether to permit the School Board to go to Washington, and then he decided to go with them. Word was circulated that he, an official charged with disreputable crimes, was to go to Washington to defend the children of San Francisco against the Japanese! In the first week of February, Schmitz and his docile Board left for Washington to be away until March 6. According to press reports, members of his following "were frankly delighted with the prospects of the indicted Mayor returning from the national capital covered with glory, and acclaimed the savior of the country from a war with Japan."<sup>2</sup>

<sup>1</sup> This letter was made public for the first time when it was placed on exhibition in the New York Public Library by the Roosevelt Memorial Association, in January, 1922. It was published in *The New York Times*, January 11, 1922.

<sup>2</sup> Hichborn, *op. cit.*, pp. 127-128.

But the Exclusion League refused to silence its guns, as the President had requested. On February 3, a meeting was held at which President Tveitmoe scored Schmitz for obeying the "command of President Roosevelt." In referring to the suggestion that the Japanese be excluded by treaty, he declared, "Exclusion by treaty never excludes. Roosevelt and Root may hedge and scheme and try to throw dust in the eyes of the people of the Pacific Coast, but we know what the Oriental invasion means." Nothing short of an exclusion law would satisfy these Chauvins of the West. While the Washington conference was in session, Tveitmoe telegraphed Schmitz not to desert the laboring man. "If President wants to humiliate the American flag," he wired, "let him tell California's Governor and Legislature to repeal the law, but he cannot coerce free Californians to bow in submission to the will of the Mikado. Roosevelt's power will not make one white man out of all the Japs in the Nipponese Empire. California is the white man's country, and not the Caucasian graveyard!"

Not to be outdone by the Exclusion League, the California legislature likewise showed complete disregard for the President's request that the agitation against the Japanese temporarily cease. The 1907 session was heaped full of anti-Japanese bills. There was the Sanford resolution protesting against Roosevelt's suggestion that Japanese be naturalized; the Black resolution in favor of an exclusion treaty; the Caminetti bill providing that Japanese be expressly included among those for whom separate schools might be established; the Keane bill providing for a referendum on the question of exclusion; and the Drew bill prohibiting land ownership by aliens. On March 11, Governor Gillett telegraphed to President Roosevelt to find out what his attitude was toward this legislation. The President replied:

I earnestly deprecate the passage of any legislation affecting the Japanese. The National Government now has the matter in hand, and can in all human probability secure the results that California desires, while at the same time preserving unbroken and friendly rela-

<sup>1</sup> *San Francisco Call*, February 11, 1907, as in Johnson, *op. cit.*, p. 13.

tions between the United States and Japan . . . Any such action as that you mention would merely hamper the National Government in the effort to secure for California what only the National Government can secure.

In the meantime the President had been endeavoring to win the San Francisco School Board, then in Washington, over to his point of view. He declared that the national government would "meet every reasonable wish and every real need of the people of California or any other State in dealing with the people of a foreign power."<sup>1</sup> At the same time, he insisted that the federal government was charged exclusively with the conduct of foreign relations, and that it could tolerate no action on the part of a state or municipality which impaired this national function. As a result of this conference, Schmitz and the School Board capitulated, despite the intransigence of the labor leaders in San Francisco. The solution agreed upon was: (1) that the School Board would rescind its resolution ordering Japanese children to attend the Oriental School; (2) that the President would prevent Japanese in Hawaii, Canada and Mexico from entering the United States on passports issued by Japan only to those destinations; (3) that the President would undertake to restrict Japanese emigration coming directly to the United States from Japan, by diplomatic means; (4) that the federal government would withdraw the suits instituted to test the constitutionality of the California school law.

After agreeing to this settlement, the School Board returned to San Francisco, and on March 13, 1907, rescinded its school resolution in so far as it applied to the Japanese. This was followed by the dismissal of the suits against the law by District Attorney Devlin. Finally, the President undertook to stop emigration from Hawaii, Canada and Mexico. It will be remembered that the chief complaint against Japanese immigration concerned that from Hawaii. Once there, Japanese immigrants hitherto could not be restrained from coming to the United States because the island was American territory. If this immigration could be stopped, therefore, the greatest

<sup>1</sup> *Theodore Roosevelt—An Autobiography* (1913), p. 379.



grievance against the Japanese would be removed. As a final part of the compromise Congress inserted a provision in the Act of February 20, 1907,<sup>1</sup> which authorized the President to refuse entrance to immigrants who, to obtain entrance to the mainland, were using passports originally issued to "any country other than the United States." Under the authority of this act, the President issued the proclamation of March 14, 1907, which ordered that "Japanese or Korean laborers, skilled and unskilled, who have received passports to go to Mexico, Canada or Hawaii, and come therefrom, be refused permission to enter the continental territory of the United States."<sup>2</sup>

This executive order solved only half the difficulty. It had nothing to do with the immigration of Japanese coming *directly* from Japan to the United States. As we have seen, the President was attempting to stop this immigration by an agreement with the Japanese Government. But Ambassador Aoki met his advances with the argument that the Japanese should be treated exactly on the same footing as the immigrants of any other nationality. But the President did not let this logic trouble him. In reply he said that "what we had to do was to face facts . . . and that it was not possible to admit Japanese laborers into the United States."<sup>3</sup>

Negotiations continued fruitlessly throughout the summer and into the fall. But the Japanese government refused to agree to an exclusion treaty. In November, however, Foreign Minister Hayashi announced that the Japanese government would itself restrict emigration to the United States—a promise which had been made in 1900. This announcement apparently was not put into effect because of the opposition of the emigration companies. At any rate 30,226 Japanese entered this country, including Hawaii, in 1907—twice as many as in 1906. They also came in from Canada on bogus passports, which Japanese already here would mail to them for prices ranging

<sup>1</sup> 34 Stat. 898, c. 1134, par. 1.

<sup>2</sup> See Rule 21, Immigration Regulations, Department of Commerce and Labor, Doc. No. 78, *Immigration Laws and Regulations of July 1, 1907* (1907).

<sup>3</sup> Quoted from a letter to Secretary Root, July 13, 1907.—Bishop, *Theodore Roosevelt and His Time, Shown in His Letters* (1920), vol. II, p. 65.

from five to twenty-five dollars. It was also charged that despite the order of March, 1907, 10,000 Japanese had come in from Mexico within the last few months. These facts and these rumors increased the uneasiness of the Pacific Coast until finally open agitation against the Japanese broke out anew. As early as July, 1907, the San Francisco authorities had refused to grant licenses to Japanese employment agencies—a measure which was doubtless unconstitutional. Exclusion bills also became thick in Congress. At first they were laid aside at the President's request. But there was a limit to the patience of Congress. In February, 1908, hearings on the subject of Japanese immigration were opened. War-talk was also revived. Rumors were broadcast that Japanese warships were hovering near Hawaii. The mayor of Portland publicly announced that Japanese spies had secured detailed maps of the roads and pipelines leading into the city. A Japanese "spy" was arrested at Fort Rosecrans. Captain Richmond Pearson Hobson wrote a series of articles estimating the number of men Japan could land on the Pacific Coast. It was reported that Japan was manufacturing more munitions than at any time since the Russian war.

President Roosevelt's decision to send the fleet around the world intensified the crisis. There were doubtless many other reasons for this unprecedented action, taken without consulting Congress. But the President admitted that the Japanese problem was the crux of the whole matter. In a letter to Secretary Root, he said, "I am more concerned over the Japanese situation than almost any other. Thank Heaven we have the navy in good shape. It is high time, however, that it should go on a cruise around the world."<sup>1</sup> The fleet left for the Pacific in December, 1907, in the midst of the negotiations between the State Department and Japan.

For some reason which has never been satisfactorily explained, the Japanese Ambassador at Washington, Viscount Aoki, was now recalled. On his way home he gave out a very important statement in San Francisco in which he said that

<sup>1</sup> Bishop, *op. cit.*, p. 64.

diplomatic negotiations over the immigration question were at an end, and that the Japanese government itself had undertaken to regulate immigration.<sup>1</sup>

This vague intimation of the "Gentlemen's Agreement" was not confirmed by the State Department. In fact, little credence was placed in the statement of a recalled ambassador who later was dismissed from the service. And the appointment of Baron Takahira as the next ambassador led to the supposition that negotiations would be reopened. The press reported an interchange of notes at the end of December and the first of January, 1908, after which, on January 25, Washington pronounced the position of Japan toward immigration "satisfactory." In all probability, these notes confirmed the "Gentlemen's Agreement," by which Japan undertook voluntarily, and upon her own responsibility, to restrict emigration to the United States. But if an agreement was reached at that time, the public was kept in the densest ignorance—a fact proved by the continued agitation in Congress for the passage of exclusion laws.

Another indication that some understanding had been reached came in the latter part of January, 1908, when the Japanese government announced that after February 1 it would permit emigration to Hawaii only of those laborers returning to resume a former residence, or of immediate relatives of those already there.

It is apparent, therefore, that great secrecy surrounded the negotiation of this mysterious agreement. At the same time a similar understanding was being reached between Canada and Japan, concerning which a public statement was made. Japanese immigration had sorely vexed some of the provinces of Canada—particularly British Columbia.<sup>2</sup> About 1900 Canada and Japan entered into an agreement by which the Emperor promised to limit emigration to Canada. But this agreement had been repeatedly violated at the instigation of such firms as

<sup>1</sup> *San Francisco Chronicle*, January 5, 1908.

<sup>2</sup> On the Japanese in Canada, see W. G. Smith, *A Study in Canadian Immigration* (1920), p. 156 *et seq.*

the Canadian Pacific Railroad, which wished Japanese labor for construction purposes. In January, 1907, there were about 7500 Japanese in British Columbia, but in the following ten months, 4,429 entered.<sup>1</sup> This great increase led to race riots in Vancouver, and finally to the dispatch of the Canadian minister of labor, Rodolphe Lemieux, to Japan in the latter part of October, 1907, to bring about a diplomatic settlement of the question. On December 23 of the same year, Foreign Minister Hayashi sent a note to Lemieux which defined the basis on which the Japanese government agreed to restrict immigration to Canada. Hayashi insisted that the treaty between the two countries guaranteed to Japanese subjects "full liberty to enter, travel and reside" in any part of Canada; but that the Japanese Government would not insist upon the right when its exercise "would involve disregard of special conditions" which may prevail there "from time to time." For that reason the Japanese government would undertake to meet "the desires of the government of the Dominion as far as is compatible with the spirit of the treaty and the dignity of the state."<sup>2</sup> This was interpreted to mean that only 480 Japanese emigrants might go to Canada annually. This statement illustrates the precarious and the indefinite nature of an agreement presumably similar to that entered into with the United States at approximately the same time.

Although the agreement with the United States was apparently negotiated in January, 1908, the first official announcement of it did not appear until the annual report, July, 1908, of the United States Commissioner-General of Immigration. In this report it was stated that "an understanding was reached with Japan that the existing policy of discouraging the emigration of its subjects of the laboring classes to continental United States should be continued and should, by cooperation of the governments, be made as effective as possible. This understanding contemplates that the Japanese Government shall issue

<sup>1</sup> Report of 1909, W. L. MacKenzie King, deputy minister of labor, III-VII, *Oriental Immigration*, 9-10 Edward VII, Sessional paper No. 36, p. 77.

<sup>2</sup> *Ibid.*, pp. 99-100.

passports to continental United States only to such of its subjects as are non-laborers or are laborers who, in coming to the continent, seek to resume a formerly-acquired domicile, to join a parent, wife or child residing there, or to assume active control of an already possessed interest in farming enterprise in this country. . . . With respect to Hawaii, the Japanese Government of its own volition stated that, experimentally at least, the issuance of passports," to laborers coming there would be limited to former residents or relatives of residents.<sup>1</sup>

It had required seven years to bring about the prohibition of Japanese immigration. The first step had been taken in 1900 when Japan voluntarily prohibited the emigration of laborers to the United States. Upon the failure of this voluntary restriction, President Roosevelt took the second step, in March, 1907, when he prohibited the emigration of Japanese from Hawaii, Mexico and Canada without proper passports. The third step came in December, 1907, when Japan entered into a Gentlemen's Agreement with Canada, which affected materially the United States, because it made smuggling over the Canadian border less probable. The fourth step came when an informal agreement to prohibit emigration to the United States was reached—an agreement which carried out and strengthened the restraints imposed in 1901, and which also prohibited, at least temporarily, emigration from Japan to Hawaii. Thus by 1908 the emigration of Japanese laborers to the United States, to Canada and Hawaii had been severely restricted. As a result the San Francisco school controversy came to an end, and the agitation which had accompanied it temporarily died down.

There doubtless had been an economic basis for the early beginnings of the anti-Japanese movement in California and on the Pacific Coast. Japanese had come into California and Washington by thousands. They competed with the white man as white men compete with each other. But they differed from other immigrants in that they worked harder than most

<sup>1</sup> *Reports of Department of Commerce and Labor, 1908*, "Report of Commissioner-General of Immigration, pp. 221-222.

laboring men, possibly had a lower standard of living<sup>1</sup>, and were of a different skin. Their ignorance of American customs and their disposition to organize into "gangs" made possible their exploitation by contractors, often resulting in the undercutting of white men. San Francisco was in the hands of the unions, the policy of which was to diminish the supply even of white labor. Hence their hostility to any immigration was natural. There is little evidence, however, that the Japanese were actually driving white men from employments. The menace from the Japanese lay not in the present, but in the future. From this standpoint, the attempt to prohibit immigration, the end which the San Francisco agitation had in view, was legitimate.

But even this did not justify the tactics employed by the Exclusion League and Schmitz's henchmen. Such politicians were perhaps not expected to be adequate judges of the *means* to be used. They may have been ignorant of the grievous effects of their appeals to race prejudice, their boycotts, and their violence, on the relations between America and Japan. But it was not so much ignorance on the part of these politicians as it was deliberate intent, which led them to choose the means they did. Schmitz used the School Board and the Exclusion League to shield himself, though unsuccessfully, from the Grand Jury. The order of the School Board came out only a few weeks before his indictment. But the agitation arising from it and his junket to Washington to "keep the country out of war" did not occur until afterward. Even leaders in the demand for exclusion denounced Schmitz's manipulation of the issue. On March 12 the *Chronicle* declared:

Schmitz had no business to go near Washington at all. He was not invited, but butted himself in with the obvious intent to divert public attention from his impending trial for alleged boodling. Schmitz had nothing to do with the action of the Board of Education except on the

<sup>1</sup> The Japanese standard of living is lower than that of the north-European immigrant, but probably no lower than the south and central European; see *Reports of the Immigration Commission*, vol. 23, pp. 137-138.

assumption that its members are mere puppets arranged to jump when Schmitz pulls the wires. Even if that is the case, there was no need of making an indecent exposure of it.<sup>1</sup>

Although Schmitz failed personally to profit by the anti-Japanese agitation, he established a precedent which less desperate politicians since have followed.

Inasmuch as the Japanese were for the most part located in the cities, the agitation of 1905-1907 originated largely with the labor unions. Those Japanese who had gone to the country were hard and willing workers, during a period of labor scarcity; as yet they were willing to remain wage-earners. Consequently, the farmer had little complaint to make against them. In succeeding years, however, the Japanese, because of increasing immigration, city boycotts, and accumulating capital, have moved *en masse* to the country and have begun to compete with the white farmer. As a result, the protest against the Japanese on the Pacific Coast during the last ten years has come more and more from the rural districts and interests and it has taken the form of legislation attempting to drive the Japanese off the land back into the cities. This phase of the agitation will be discussed in the concluding section of this article.

<sup>1</sup> The *Los Angeles Times* (quoted in Johnson, *op. cit.*, p. 18) in referring to the indicted mayor's declaration that if necessary he would lay down his life in battle against the Japanese, caustically remarked: "It is a notable fact that his Honor has never laid down anything of value. His promise, however, would almost reconcile anyone to a war with Japan." The *Los Angeles Express* also declared that "nothing less than the hanging of the Japanese by the toes would satisfy some of the anti-Japanese agitators in San Francisco."

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